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U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
CAPE GIRARDEAU

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

NORTHERN

DIVISION

THOMAS FLEEMAN 1027064

(Write the full name of the plaintiff in this action.
Include prisoner registration number.)

v.

CORIZON, LLC,

J.Cofield, in his individual capacity
T.Bredeman, in his individual capacity
B.Boley, in her individual capacity
DR.R.stamps in her individual capacity
A.Crader in her individual capacity

(Write the full name of each defendant. The caption
must include the names of **all** of the parties.
Fed. R. Civ. P. 10(a). Merely listing one party and
writing "et al." is insufficient. Attach additional
sheets if necessary.)

Case No: 2:19-cv-75 SNLJ
(to be assigned by Clerk of District Court)

Plaintiff Requests Trial by Jury

☒ Yes ☐ No

PRISONER CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983

NOTICE:

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include only: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff should not send exhibits, affidavits, witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the \$400.00 filing fee or an application to proceed without prepayment of fees and costs.

I. The Parties to this Complaint

A. The Plaintiff

Name: Thomas John Fleeman

Other names you have used N/A

Prisoner Registration Number: 1027064

Current Institution:

Moberly correctional center

Indicate your prisoner status:

<input type="checkbox"/> Pretrial detainee	<input checked="" type="checkbox"/> Convicted and sentenced state prisoner
<input type="checkbox"/> Civilly committed detainee	<input type="checkbox"/> Convicted and sentenced federal prisoner
<input type="checkbox"/> Immigration detainee	<input type="checkbox"/> Other (explain): _____

B. The Defendant(s)

To the best of your knowledge, give the information below for each defendant named in the caption of this complaint. Make sure the defendant(s) named below are the same as those listed in the caption of this complaint. Attach additional pages if necessary.

For an individual defendant, include the person's job title, and check whether you are suing the individual in his or her individual capacity, official capacity, or both.

Defendant 1

Name: J.Cofield

Job or Title: Director Operation, Constituent Servies

Badge/Shield Number: N/A

Employer: Missouri Dipartment of Correction

Address: Unknown

X Individual Capacity _____ Official Capacity

Defendent 3

Name: T. Bredeman

Job Or Title: Medical Director

Employer: Corizion

Adress: UNknown

X Individual Capacity

Defendent 4

Name: Bonnie boley

Job or Title: Health Service Administrator

Employer: Corizon

Adress: UNknown

X Individual Capacity

Defendent 5

Name: Ruanne Stamps

Job or Title: M.D.

Employer: Corizion

X Individual Capacity

Defendant 2

Name: Andrea Crader

Job or Title: R.N. Director of nursing

Badge/Shield Number: N/A

Employer: CORIZION

Address: UNKNOWN

☒ Individual Capacity

☐ Official Capacity

II. Statement of Claim

Type, or neatly print, a short and plain statement of the **FACTS** that support your claim(s). For every defendant you have named in this complaint, you must state what he or she personally did to harm you. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Do not make legal arguments, or cite court cases or statutes. You may attach additional pages if necessary.

Your statement of claim must include all of the following information:

1. What happened to you?
2. When did it happen?
3. Where did it happen?
4. What injuries did you suffer?
5. What did each defendant personally do, or fail to do, to harm you?

1. On 9/26/18 Plaintiff filed an informal resolution with the Moberly Correctional facility. In said IRR plaintiff requested to be treated for his hepatitis-C, voicing concern over a bloodtest showing a low white blood cell count

2. Defendant Andrea Crader responded to early mention IRR on 10/29/18 stating the plaintiff was a too low priority to treat. Defendant did not mention my blood cell count results in her response. This conduct exhibited deliberate indifference.

3. On 11/12/18 plaintiff filed a grievance with the Moberly Correctional Center. Plaintiff once again requested treatment for his hep-c, and also indicated that he was now in constant pain and liver was swelling.

4. Defendant Bonnie Bailey And DR. Ruanne Stamps responded to earlier mentioned grievance on 11/12/18. Once again plaintiff was told he was not a priority and not only did defendants not address plaintiff's concerns of swollen liver and constant pain but told him they would only see him annually. This conduct clearly exhibited deliberate indifference.

5. On 11/29/18 plaintiff filed a grievance appeal. Plaintiff Pleaded with the Director to re-evaluate my needs for treatment. If anywhere to review just my blood work alone it would show that plaintiff was indeed in need of treatment.

6. Defendants J. Cofield and T. Bredeman responded to plaintiff's grievance appeal the plaintiff was told by the defendants that once again he was not a priority and they would not treat, and that monitoring of Plaintiff was all that they were willing to do. This conduct exhibited deliberate indifference.

7. Plaintiff has still not been treated for his hep-C. let this court know that the Plaintiff is now diagnosed with Cirrhosis of the liver. By not treating this Plaintiff the Defendants have allowed this to happen. Cirrhosis is irreversible. It can, and often does, cause additional painful complications, including wide spread itching, arthritic pain throughout the body, kidney disease, jaundice, fluid retention with edema, internal bleeding, easy bruising, abdominal ascites, mental confusion, lymph disorders, and even more extreme fatigue.

8. The Corporation Corizon, LLC have created and maintained a policy or custom and practice of systematically denying necessary medical care to inmates diagnosed with Hepatitis C viral infections (HCV), thereby discriminating against them and placing them at substantial and unnecessary risk for severe pain, illness, injury, and death. These defendants have denied necessary medical care to this Plaintiff, who has been diagnosed with chronic HCV, and have caused them unnecessary pain and suffering and irreversible liver damage.

9. Plaintiff bring this action seeking prospective relief to remedy the ongoing deprivation of his rights guaranteed by the Eighth Amendment of the United States Constitution (as incorporated by the Fourteenth Amendment)

10. Corizon has had access to FDA approved drugs through out the course of the plaintiffs Grievance process.

11. On June 28, 2016, The FDA approved Epclusa, a new DAA drug that combines sofosbuvir and velpatasvir. It was the first drug approved to treat all six major variations, or genotypes of HCV.

12. The benefits of treatment have clearly been shown through vigorous research including: immediate decrease in liver inflammation, reduction in the rate of progression of liver fibrosis, improvement in necrosis and cirrhosis, reduction in portal hypertension and spleen enlargement, reduction in severe side effects including cryoglobulinemic vasculitis, a 70% reduction in the risk of liver cancer, a 90% reduction in the risk of liver-related mortality, and dramatic increase in quality of life.

13. Knowing all these facts the defendants still denied plaintiff access to this life saving treatment, allowing him to progress into full blown cirrhosis.

III. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

By Not being treated for Hep-C in a timely manner, Plaintiff got extensive fibrosis that turned into cirrhosis. Cirrhosis is irreversible.

IV. Relief

State briefly and precisely what you want the Court to do for you. Do not make legal arguments. Do not cite any cases or statutes. If you are requesting money damages, include the amounts of any actual damages and/or punitive damages you are claiming. Explain why you believe you are entitled to recover those damages.

Plaintiff is seeking direct-acting antiviral (DAA) drugs with 90% plus cure rate. Appropriate Action against Corizon, LLC, and Defendants, Attorney fees, filing fees and Punitive damages (Undue pain). Plaintiff seeks \$500,000.00 plus expenses for any future Medical Care Needs. Plaintiff feels that Defendants unwillingness to treat him has caused irreversible damage and great and Undue pain.

V. Exhaustion of Administrative Remedies/Administrative Procedures

The Prison Litigation Reform Act ("PLRA") 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes ☐ No

If yes, name the jail, prison or other correctional facility where you were confined at the time of the events giving rise to your claim(s):

Moberly Correctional Center

- B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes ☐ No ☐ Do not know

- C. If yes, does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes ☒ No ☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes ☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes ☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Moberly Correctional Center

2. What did you claim in your grievance? (Attach a copy of your grievance, if available)

*That Plaintiff required Treatment for Hep-C.
(See attached Exhibits)*

3. What was the result, if any? (Attach a copy of any written response to your grievance, if available)

*Denial of requested Treatment.
(See attached Exhibits)*

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Plaintiff filed Grievance Appeal.

- F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Plaintiff was denied Treatment threw
Grievance Appeal, Exhausting ~~the~~ administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VI. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

- A. To the best of your knowledge, have you ever had a case dismissed on the basis of this "three strikes rule"?

☐ Yes ☒ No

If yes, state which court dismissed your case and when it was dismissed. Attach a copy of the court's order, if possible.

Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes ☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the state and county)*

3. Docket or case number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____
6. Is the case still pending?
- ☐ Yes
- ☐ No (If no, give the approximate date of disposition): _____
7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)
- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?
- ☐ Yes ☒ No
- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)
1. Parties to the previous lawsuit
- Plaintiff _____
- Defendant(s) _____
2. Court (if federal court, name the district; if state court, name the state and county)
3. Docket or case number _____
4. Name of Judge assigned to your case _____
5. Approximate date of filing lawsuit _____

6. Is the case still pending?

☐ Yes

☐ No (If no, give the approximate date of disposition): _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

VII. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 6th day of February, 2020.

Signature of Plaintiff

